

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RICHARD NIGHTINGALE,)
Petitioner,) Civil Action No. 08-95J
v.) Judge Gibson
MARDI I. VINCENT, et. al,) Magistrate Judge Caiazza
Respondents.)

MEMORANDUM ORDER

Richard Nightingale's Petition for Writ of Habeas Corpus was received by the Clerk of Court on April 17, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 21, 2008, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Nightingale be transferred to the United States District Court for the Eastern District of Pennsylvania. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to SCI Laurel Highlands where he is incarcerated. Nightingale has filed a Motion to Transfer (Doc. 5) in which he indicates that he agrees with the Magistrate Judge's recommendation.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following

order is entered:

AND NOW, this 1st day of May, 2008,

IT IS HEREBY ORDERED that the Petitioner's Motion to Transfer (Doc. 5) is GRANTED. The Petition for Writ of Habeas Corpus filed by Richard Nightingale be TRANSFERRED FORTHWITH to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 2), dated April 21, 2008, is adopted as the opinion of the court.



Kim R. Gibson
U.S. District Court Judge

CC:
RICHARD NIGHTINGALE
GF-8915
SCI Laurel Highlands
5706 Glades Pike
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